Nos. 744 and 783

In the Supreme Court of the United States

OCTOBER TERM, 1941

UNITED STATES OF AMERICA, PETITIONER

v.

WRIGHTWOOD DAIRY COMPANY

WRIGHTWOOD DAIRY COMPANY, CROSS-PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION AND CROSS-PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MOTION BY THE UNITED STATES TO ADVANCE

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The Solicitor General, pursuant to Rule 20, paragraph 3 of this Court moves to advance the above cases for argument on or as near the second day of February 1942 as may be agreeable to the Court.

The milk marketing orders of the Secretary of Agriculture apply only to marketing areas which receive milk in interstate commerce, but they apply

to all of the milk distributed in such areas, whether interstate or intrastate. The decision below holds the Chicago order, and inferentially all others, to be invalid in so far as intrastate milk competing with interstate milk is concerned. Enforcement of the statute against intrastate handlers in the Chicago area is impossible while the decision below stands. The decision may also affect enforcement against intrastate handlers in other areas. To permit intrastate milk in competition with interstate milk for which minimum prices are fixed to go unregulated is, of course, extremely prejudicial to the interstate producers and handlers. In these circumstances it is desirable that the question passed upon by the court below be determined by this Court as soon as is feasible.

We have been advised that these cases would, in the usual course, not be reached for argument until March or April. For the above reasons, it is respectfully requested that the arguments be advanced to the first week of the February session.

CHARLES FAHY,
Solicitor General.

DECEMBER 1941.

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